

REMARKS

Claims 1-15 are pending. Claims 1, 3, 5, 6, 8 and 10 are the independent claims and have been amended simply to improve their form, without narrowing their scope.

Claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph as indefinite

With regard to the objection to the term "round trip counter," this term was used in the original specification and claims, and has been used consistently in the same manner. Moreover, the specification clearly explains what is being referred to by the term "round trip counter." In view of the foregoing, the term is clear to anyone having read the specification and therefore meets all the requirements of Section 112, second paragraph.

As to the term "closed window," this term is known to those skilled in the art, in particular in the context of congestion control. For example, it is known to those skilled in the art that a window could be "closed" due to a lost TCP acknowledgment. The invention defined in claims 5, 10, and 15 relates to a technique for releasing a window that has been closed in congestion control. That is, the claimed invention widens a closed, or reduced, window, that has been closed, or reduced, due to congestion control.

In view of the above, and the minor, non-narrowing, amendments made to the independent claims in relation to issues of antecedent basis, the rejections under Section 112, second paragraph are believed to be obviated.

Claims 1, 2, 6, 7, 11 and 12 were rejected under 35 U.S.C. § 102(b) over U.S. Patent 5,425,025 (Tahara). Claims 5, 10 and 15 were rejected under 35 U.S.C. § 102(b) over Stallings "Data and Computer Communications." Claims 3, 4, 8, 9, 13 and 14 were rejected under 35 U.S.C. § 103 over Tahara in view of U.S. Patent 5,570,367 (Ayanoglu et al.). Applicant traverses.

Claim 1 recited, inter alia, judging, when the stored counter value is two or more smaller than the current counter value, that the data packet corresponding to the stored counter value has been lost.

In an attempt to meet the recited feature of the means for judging, the Office Action relied upon column 6, lines 47-60 of Tahara. However, according to that section of Tahara, the receiver recognizes errors by detecting a mismatch in the receiving sequence of the received packets. Applicant finds no teaching in this portion of Tahara of the transmitter storing a counter value and judging that a packet has been lost when the stored counter value is two or more smaller than a current value of the counter. For at least this reason, the Office Action has failed to set forth a prima facie case of anticipation as against claim 1. Independent claims 3, 6 and 8 recite a substantially similar feature and are believed patentable over Tahara for at least the same reasons.

With regard to independent claims 5, 10 and 15, Stallings discloses a sliding-window technique for flow control, in which the transmission window is advanced when an ACK packet is received. On the other hand, independent claims 5, 10 and 15 relate to a technique for releasing a window that has been closed, or reduced, due to congestion control, for example, to widen a window reduced during congestion control. Stallings contains no teaching of such a technique. For at least this reason, claims 5, 10 and 15 are believed clearly patentable over Stallings.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Dated: February 13, 2007

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